

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

|                           |   |                           |
|---------------------------|---|---------------------------|
| United States of America, | ) | CRIMINAL NO. 4:99-558-CMC |
|                           | ) |                           |
| v.                        | ) | <b>OPINION and ORDER</b>  |
|                           | ) |                           |
| Terry Lee Green,          | ) |                           |
|                           | ) |                           |
| Defendant.                | ) |                           |
| _____                     | ) |                           |

This matter is before the court on Defendant's *pro se* motion for reconsideration. ECF No. 86. Defendant argues that his previously-filed motion for relief under 28 U.S.C. § 2255 is not a second or successive motion for relief under 28 U.S.C. § 2255 because (he contends) *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011), is a "new fact" under § 2255(f)(4).

This argument is without merit. Defendant's motion is **denied**.

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
September 17, 2012